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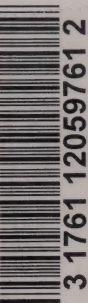
Government
Publications

WHAT YOU NEED TO KNOW

ABOUT ONTARIO'S RESIDENTS'
RIGHTS ACT

Apartments in Houses

Information for
Homeowners



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Ontario

Ministry of Housing

What is the Residents' Rights Act?

The Residents' Rights Act is a new law in Ontario. Homeowners are now allowed to have a self-contained apartment in their house, provided that building, fire and reasonable planning standards are met. Zoning by-laws can no longer be used to unreasonably prohibit such units.

For apartments in houses to be considered "legal", they must comply with safety requirements in the Building Code and Fire Code.

IF I'M THINKING OF ADDING AN APARTMENT TO MY HOUSE, WHAT DO I NEED TO KNOW?

The Residents' Rights Act allows a second unit in a detached, semi-detached, or row house. Units must be "self-contained", meaning that each unit must have its own kitchen and bathroom, although both units in a house may share the same exit.

A second unit can be:

- located anywhere in the house (including on the second floor, above an attached garage or in the basement)
- created by sub-dividing or adding on to an existing house
- created in a new house at the time it is built

The law applies regardless of whether or not the owner lives in the house.

Apartments in houses can provide flexibility to the homeowner. In addition to providing additional income, seniors may find it easier to stay in their home, since having a tenant close by can provide companionship, a sense of security, and assistance with the upkeep of the house.

DOES THE RESIDENTS' RIGHTS ACT APPLY EVERYWHERE IN ONTARIO?

Houses with two units are allowed all across Ontario, subject to certain exceptions. These include cases where houses are on private septic systems or are located in areas which do not permit residential use.

In these cases, it is up to the municipality to determine whether an apartment is permitted, and what standards apply.

The law applies to new and existing apartments in houses. It does not apply to other forms of housing. It is still up to the municipality to decide whether a basement apartment should be allowed in an existing duplex.

WHAT REQUIREMENTS APPLY TO HOUSES WITH SECOND UNITS?

New apartments must comply with the Building Code. Existing apartments must comply with the Fire Code.

Building Code

Homeowners are required to obtain a building permit before starting any construction or renovation work. A building permit will only be issued if your plans meet the requirements in the Ontario Building Code.

Among other things, the Building Code includes requirements on:

- ceiling height
- natural lighting
- ventilation
- fire exits
- fire separations (for example, this refers to the walls, floors and ceilings between the two units, and the length of time it would take for a fire to burn through them)
- fire alarm systems
- electrical requirements

More flexible requirements are available when a second unit is added to a house that is more than five years old.

Your local building department will inspect the apartment once it is finished to make sure the work was done in compliance with your plans.

Sometimes, a second unit can be created without renovation. In these cases, a homeowner can apply for a change of use permit from the local building department.

This permit will only be issued if the new unit can meet safety requirements.

Fire Code

The requirements in the Fire Code apply to existing apartments. If you have an apartment in your house, you have a legal responsibility to meet fire requirements. Fire Code requirements apply equally to both units in the house, whether or not the homeowner lives in one of them.

Violating the Fire Code can result in fines of up to \$25,000 or one year in jail.

In general, Fire Code requirements for apartments in houses cover:

- smoke alarms
- fire exits
- fire separations between each dwelling unit and other areas
- electrical safety

New Fire Code requirements for houses with two units became law in July, 1994. If you have not already done so, you must install smoke alarms in both units **immediately**. It is also the law that smoke alarms be maintained in operating condition, so they should be tested regularly.

Homeowners have until **July 14, 1996** to comply with other Fire Code requirements.

Since it can be difficult to upgrade an existing house, homeowners have a number of different ways that they can comply. For example, the Fire Code requires that all units have at least one fire exit, but this can be:

- through a door directly to the outside;
- through a shared exit that is "fire separated" from the rest of the house, or;

- through a window that is easy to reach, easy to open and large enough for a person to climb through (in cases where the everyday exit from an apartment leads through another unit.)

Property Standards

Existing houses with two units must comply with municipal property standards by-laws, which may contain requirements on:

- property maintenance
- over-crowding
- ventilation
- dampness
- room temperature

In general, the Residents' Rights Act regulations state that property standards for houses with two units cannot exceed those for houses that contain only one unit.

Some municipalities do not have property standards by-laws. In these cases, maintenance standards set by the provincial government apply to rental units. Contact your local Rent Control office for more information.

(See the back of this brochure for a listing of Rent Control offices.)

Zoning Standards

Houses with second units must also meet requirements in zoning by-laws that regulate the "physical character" of a neighbourhood (*such as standards related to building height, setbacks from the street, lot coverage and parking.*)

However, the Residents' Rights Act regulations restrict the zoning standards that apply to houses with two units to ensure that these requirements are reasonable. For example, municipalities cannot:

FOR FURTHER INFORMATION ...

If you have questions about...

Building Code and how to obtain a building permit

How to obtain a copy of the Fire Code regulation for apartments in houses: (O:REG.385/94 Retrofit Section 9.8)

The Fire Code and how to obtain the brochure: "Fire Safety for Houses with Two Residential Units"

Ontario Hydro and how to get a general electrical inspection

Property standards

Maintenance standards

Landlord and Tenant Act

Rent Control Act

The Residents' Rights Act (Bill 120)

- Apartments in houses information
 - Garden suites information
 - How-to guide for installing and upgrading of second units in houses
 - How-to guide for installing garden suites
-

The Residents' Rights Act (Bill 120)

- Care homes information
-

How to obtain more copies of this brochure and others in the Ministry of Housing "Apartments in Houses" series:

- Information for Tenants
- Garden Suites

Please contact.... (numbers not listed here can be found in the blue pages of your telephone book)

Municipal building department

Publications Ontario 1-800-668-9938 or
(416) 326-5300 Fax (416) 326-5317

Local fire department or the regional office of the
Fire Marshal – listed under the Ministry of the
Solicitor General and Correctional Services

Local Ontario Hydro Electrical Inspections
Processing Centre (phone numbers are listed at the
back of this brochure)

Municipal property standards or by-law
enforcement department

Area Rent Control Office of the Ministry of Housing

Area Rent Control Office of the Ministry of Housing

Area Rent Control Office of the Ministry of Housing

Housing Development and Buildings Branch of the
Ministry of Housing (416) 585-6515

Area Rent Control Office of the Ministry of Housing

Area Rent Control Office of the Ministry of Housing
or
Ministry of Housing Customer Assistance
(416) 585-7041

- apply a building height requirement to a house with two units which is more restrictive than the requirement for a house with one unit
- require that houses with two units have more than two on-site parking spaces

HOW CAN I MAKE SURE MY APARTMENT IS SAFE?

The information and resources listed in this brochure may help you to determine what upgrading may be required for your unit to meet requirements.

A qualified architect, engineer or home inspector can advise you on whether your unit meets fire safety requirements. Many municipalities have fire departments which can also conduct fire inspections.

For more detailed information about fire safety and requirements, you may purchase a copy of the new Fire Code regulation for apartments in houses: (O:REG.385/94, Retrofit Section 9.8). This is available from Publications Ontario at a cost of \$2.50.

Another source of information is the brochure: "Fire Safety for Houses with Two Residential Units" produced by the Office of the Fire Marshal. This is available from your local fire department.

To make sure the wiring in your house is free from visible electrical hazards, homeowners are responsible for having a general electrical inspection conducted by Ontario Hydro. There is a fee involved, which the homeowner is responsible for paying. You should consider informing your tenant if this inspection has

already been arranged for or conducted.

Ontario Hydro will send you a letter describing what was found. All electrical hazards identified during the inspection must be repaired by July 14, 1996.

GETTING THE WORK DONE

Upgrading a unit to meet safety requirements may require renovations in order to bring it up to standard. Whether you decide to do some of the work yourself or hire a contractor, you should be aware that all electrical, heating/refrigeration and plumbing work must be done by certified tradespeople.

Remember: renovations will generally require a building permit.

WHAT DO I NEED TO CONSIDER ABOUT THE COSTS INVOLVED?

Before adding a second unit, you should consider the following:

- Apartments in houses generate rental income which can help first-time buyers and current homeowners on fixed or reduced incomes. However, renting out a second unit is an investment, and the costs of installing and operating a second unit need to be balanced against likely rental revenue.
- Adding a second unit may result in higher property taxes (estimated to be up to an extra \$500 per year). The greatest increases are in cases where a unit will significantly increase the resale value of a house (*for example, where the unit is installed in a previously unfinished basement, or the house is located in an area where high rents can be charged*).

- Rent must be declared as income on your tax return, although a portion of the costs of operating the house (*including maintenance, property taxes, and the interest on mortgage payments*) can be applied to the rental unit and treated as business expenses.
- Homeowners can set the initial rent for a new unit, but after that rent increases cannot be more than the annual Rent Control Guideline, unless an application is made under the Rent Control Act.

In some cases, new units in houses can be exempt from most of the Rent Control Act for five years. For this exemption to apply, no unit in the house can have been occupied before November 1, 1991. The landlord has to give notice to the tenant ahead of time, and must also register certain information with the Rent Registry. Call your local Rent Control Office for more details, and to find out if you're covered.

You will need to understand your rights and responsibilities under the Rent Control Act. (*See the back of this brochure to find out how to get more information.*)

WILL I HAVE TO REGISTER MY APARTMENT WITH THE ONTARIO RENT REGISTRY?

Currently, landlords are not required to register houses containing less than four units. However, if a tenants makes a request, the Registrar can require the landlord to register these units.

IS THERE ANYTHING ELSE I SHOULD KNOW?

If you are a homeowner with a second unit, you are a landlord, and must therefore become fully

familiar with the Landlord and Tenant Act and the Rent Control Act.

The Landlord and Tenant Act deals with such issues as:

- tenancy agreements (leases)
- last month's rent
- subletting
- privacy and access
- repairs and maintenance
- termination of tenancy (and eviction)

Landlords and tenants of apartments in houses have exactly the same rights and responsibilities as other landlords and tenants in Ontario.

(See the back of this brochure for a listing of where to call for more information.)

ONTARIO HYDRO ELECTRICAL INSPECTIONS PROCESSING CENTRES

Barrie

(705) 726-5169

Toll-free: 1-800-571-7724

Belleville

(613) 969-0201

Toll-free: 1-800-369-7536

Guelph

(519) 821-2830

Toll-free: 1-800-813-5482

Hamilton

(905) 529-7125

Toll-free: 1-800-278-4264

Kenora

(807) 468-5111

Toll-free: 1-800-661-4881

Kitchener/Waterloo

(519) 746-3040

London

(519) 680-4565

Toll-free: 1-800-813-5663

Markham

(905) 946-6300

Mississauga

(905) 507-4949

North Bay

(705) 495-4541

Toll-free: 1-800-636-7107

Ottawa

(613) 225-7600

Toll-free: 1-800-369-7535

Peterborough

(705) 745-3236

Toll-free: 1-800-305-7383

Sudbury

(705) 566-6895

Thorold

(905) 227-5380

Toll-free: 1-800-813-8467

Thunder Bay

(807) 343-3404

Toll-free: 1-800-465-3990

Windsor

(519) 972-3110

Toll-free: 1-800-880-9463

RENT CONTROL AREA OFFICES

Barrie

(705) 737-2111

Toll-free: 1-800-461-2882

Hamilton

(905) 528-8701

Toll-free: 1-800-668-9565

Kingston

(613) 598-6770

Toll-free: 1-800-263-6092

Kitchener

(519) 579-5790

Toll-free: 1-800-265-8926

London

(519) 679-7270

Toll-free: 1-800-265-0937

North Bay

(705) 476-1231

Toll-free: 1-800-463-4815

Oshawa

(905) 723-8135

Toll-free: 1-800-461-0837

Ottawa

(613) 230-5114

Toll-free: 1-800-263-8957

Owen Sound

(519) 376-3202

Toll-free: 1-800-265-3737

Peterborough

(705) 743-9511

Toll-free: 1-800-461-0255

St. Catharines

(905) 684-6562

Toll-free: 1-800-263-4937

Sudbury

(705) 675-4373

Toll-free: 1-800-461-9909

Thunder Bay

(807) 475-1595

Toll-free: 1-800-267-0898

Timmins

(705) 264-9555

Toll-free: 1-800-461-5851

Toronto

(416) 326-9800

Etobicoke - City of York

(416) 314-0780

Mississauga

(905) 270-3280

Toll-free: Zenith 9-6000

North York

(416) 314-9550

Scarborough - East York

(416) 314-8640

Windsor

(519) 253-3532

Toll-free: 1-800-265-6924

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